

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

UNITED STATES OF AMERICA

V.

CAUSE NO. 3:15CR69HTW-FKB-001

SAM WAGGONER

MOTION FOR CONTINUANCE

COMES NOW, your Defendant, Sam Waggoner, by and through the undersigned counsel and files this his Motion for Continuance in the above styled and referenced cause and as grounds in support of same would respectfully state unto this Honorable Court the following to wit:

1.

The case is currently scheduled for sentencing on December 21 and 22, 2016.

2.

That Cecil McCrory, a co-defendant, filed a Motion to Withdraw his Guilty Plea on or about December 8, 2016. That your Defendant has agreed to testify and to cooperate against the Co-Defendant, McCrory, at trial.

3.

That in the interests of fairness and justice a Continuance is merited until a determination as to whether your Defendant, Sam Waggoner, will be required to testify against Cecil McCrory.

4.

In addition, the AUSA prosecuting the case does not have an objection to the continuance.

5.

That your defendant after being fully advised of his rights pursuant to the Speedy Trial Act, hereby agrees to this requests and specifically waives the time period covered by this continuance, if granted and further states that the request is not for delay, but, is in the interests of justice and fairness.

WHEREFORE, PREMISES CONSIDERED your defendant, Sam Waggoner, by and through undersigned counsel respectfully requests that his Motion for Continuance be received and considered by this Honorable Court and after same and Order issue granting continuance of the previously sentencing date in this cause.

Respectfully Submitted

SAM WAGGONER,
Defendant

BY: /s/ Nicholas R. Bain
NICHOLAS R. BAIN,
Attorney for Defendant

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CERTIFICATE OF SERVICE

I, Nicholas R. Bain, hereby certify that on December 16, 2016, I did electronically file the foregoing Motion to Continue with the Clerk of the Court using the ECF system which sent notification of such filing to the United States Attorney Office.

This the 16th of December, 2016.

/s/ Nicholas R.Bain